

Application Serial No. 09/476,334  
Amendment dated July 31, 2003  
Reply to Office Action of April 2, 2003

**REMARKS**

New claims 81-87 were added. Claims 1 - 87 are now pending in the present application. The rejections set forth in the Office Action are respectfully traversed below.

**Response to Prior Amendment**

In response to the previous Amendment filed on January 14, 2003, the present Office Action now relies upon new grounds for rejections. In particular, the Examiner no longer relies upon the reference to **McCarty** (USP 5,666,411). Instead, the Examiner now relies upon the new reference to **Atalla** (USP 4,588,991).

**Claim Objection**

Claim 71 was objected for a minor typographical error which is corrected by the present amendment.

**Rejections Under 35 U.S.C. §103**

Claims 71 - 80 were rejected under 35 U.S.C. §103 over **Choudhuri et al.** (USP 5,509,074), in view of **Butter et al.** (USP 5,381,480), and **Atalla** (USP 4,588,991). However, nothing in the cited prior art, either alone or in combination, teaches or suggests all the features recited in the present claimed invention.

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For instance, **Atalla** describes managing data such as banking and funds transfer operations (*see e.g.*, column 1, lines 35 - 41), but does not teach or suggest data copyrights management. The present invention is directed to a data copyright management method. The pending independent claims recite the handling of *copyrighted* data. Nothing in **Atalla** addresses copyrighted data or the need for managing copyrighted data. As described in the present application, a robust data copyright management is achieved only by handling the three operations of storing, copying and transferring using re-encrypted data and not the decrypted versions thereof. Nothing in the cited prior art appreciates this distinction. For at least these reasons, the present claimed invention patentably distinguishes over the prior art.

On another point, the Applicant wishes to clarify that “transferring” include transfers between internal components within a user’s system, and is not limited only to transfers external to the user’s system.

#### **Double Patenting**

The Office Action maintained the double patenting rejection for claims 71 and 72, in view of claim 1 of USP 6,128,605. The Office Action stated that ‘605 claim 1 performs essentially the same function as claims 71 and 72 of the present applications, plus additional functions. The Applicant previously pointed out that those “additional functions” are required for the patentability of the ‘605 claim 1. The Examiner’s response is that the omission of an element and its function is an obviousness expedient if the remaining elements perform the same functions as before. In

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addition, the Office Action stated that “omission of a reference element whose function is not needed would be obvious to one of ordinary skill in the art.”

However, the double patenting rejections are improper based on the Examiner’s own reasoning. As mentioned above, the Office Action stated that the omission of a reference element whose function “is not needed” would be obvious to one of ordinary skill in the art. However, the additional features recited ‘605 claim 1 (that are not recited in claims 71 and 72) **are needed**. Such **necessary** elements include the “at the same time” feature for decryption and re-encryption in ‘605 claim 1, that is not recited in claims 71 and 72 of the present application. As mentioned before, ‘605 claim 1 relied upon this claimed feature for patentability. Therefore, it is *prima facie* necessary to have such claimed features in ‘605 claim 1. The Examiner has not provided any evidence to indicate that omission of said “at the same time” feature in ‘605 claim 1 is “not needed” to render obvious the present claims 71 and 72. Therefore, withdrawal of the double patenting rejections is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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